IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.76003-M of 2006
Date of Decision:- 05.02.2007

Tarun ....Petitioner(s)

through
Mrs.Sarla Chaudhary, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Reply filed on behalf of the respondents in Court is taken on record.

The petitioner, who is a life convict under Section 364-A/384/452/120-B IPC, is aggrieved at the order dated 25.8.2006 (Annexure P-1) passed by the Director General of Prisons, Haryana whereby he has been denied temporary release on parole for agricultural purposes on the ground that there is no agricultural land in possession of the petitioner.

Somewhat similar stand has been taken by the respondents in their reply.

Relying upon a copy of Jamabandi for the year 1999-2000 (Annexure P-3), it is contended that the petitioner's father owns some agricultural land. It is also claimed that the land owned by the petitioner's father is undivided agricultural land which used to be cultivated by the petitioner before his conviction.

Under Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 a prisoner is required to be in cultivating

possession of the agricultural land either owned by himself or his father's undivided agricultural land. It is quite possible that prior to his conviction, he was also in cultivating possession of the undivided agricultural land owned by his father. Unfortunately, the aforesaid aspect of the matter has not been considered by the concerned authorities.

Consequently, this petition is disposed of with a direction to the Director General of Prisons, Haryana to reconsider the petitioner's case after getting it re-verified as to whether or not immediately prior to his conviction, the petitioner was in cultivating possession of the undivided agricultural land owned by his father. Necessary exercise shall be carried out within two months from the date a certified copy of this order is received.

February 05, 2007 **(SURYA KANT)**
poonam **JUDGE**